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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/824,890 | 04/14/2004 | Thomas C. Sloan | 772-27-007 | 7320 |
| 23935 | 7590 | 11/29/2006 | EXAMINER | |
| KOPPEL, PATRICK & HEYBL 555 ST. CHARLES DRIVE SUITE 107 THOUSAND OAKS, CA 91360 | | | TRUONG, BAO Q | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2875 | |

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/824,890 | | SLOAN ET AL. | |
| | Examiner | | Art Unit | |
| | Bao Q. Truong | | 2875 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-50 is/are pending in the application.
- 4a) Of the above claim(s) 14-16, 19-38 and 47-50 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-46 is/are allowed.
- 6) ☒ Claim(s) 1, 3-13, 17, 18 and 39-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Newly submitted claims 49 and 50 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the applicant recites claims 49 and 50 being fully supported in the drawing of FIG. 28, which is directed to Species V (see Election/Restriction office action mailed on 12/8/2005 and the responding paper on 2/8/2006).

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 49 and 50 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Chambers et al. [US 7,012,379].

Regarding claim 1, Chambers et al. discloses an elongated flexible lighting system having an array of light sources [24] and an elongated translucent extrusion [12] dispersing light emitting from the light sources [24], wherein the array of light sources [24] being cuttable (title, abstract, figures 1-3).

4. Claims 1, 3-9, 11, 12, 18 and 39-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Sloan et al. [US 6,776,504].

The applied reference has a common inventor (Thomas C. Sloan) with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Sloan et al. discloses an elongated flexible lighting system having an array of light sources [24] and an elongated translucent extrusion [53] dispersing light emitting from the light sources [24], wherein the array of light sources [24] being cuttable (abstract, figures 1-3).

Regarding claims 3 and 4, Sloan et al. discloses linear array of LEDs [34] (figure 3).

Regarding claim 5, Sloan et al. discloses a plurality of parallel-connected sub-arrays of LEDs [34] (figure 3).

Regarding claims 6 and 42, Sloan et al. discloses a plurality of voltage regulators [35a-h] (figure 3).

Regarding claims 7, 40 and 41, Sloan et al. discloses the array of LEDs being cuttable between adjacent ones of the plurality of parallel connected sub-arrays (abstract, figure 3).

Regarding claims 8 and 9, Sloan et al. discloses a mounting means/a bracket [54-56] (figure 5).

Regarding claim 11, Sloan et al. discloses means for conducting [87, 88] (figure 8a).

Regarding claims 12 and 43, Sloan et al. discloses a PCB [20] (figure 5).

Regarding claim 18, Sloan et al. discloses a longitudinal cavity (figure 5).

Regarding claim 39, Sloan et al. discloses an elongated flexible lighting system having an array of light sources [24], a plurality of power regulators [35a-h] and an elongated translucent extrusion [53] dispersing light emitting from the light sources [24], (abstract, figures 1-3).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2875

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan et al in view of Slayden [US 6,361,186 B1].

Regarding claim 10, Sloan et al. discloses the extrusion [53] with a longitudinal groove [near 20] and a bracket [54-56] with a lip [58, 59] (figure 5), but does not disclose the lip arranged to mate with the groove.

Slayden discloses a flexible lighting system including a diffusion extrusion [10, 11] including a longitudinal groove [near 13, 15], and a bracket [30] with lips [35, 37] being arranged to mate with the groove (figure 1-3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the extrusion's groove and the bracket of Sloan et al. with the mating grooves and lips as taught by Slayden to hold them together for purpose of providing an advantageous way of assembly or un-assembly the system.

7. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloan et al. in view of Cleaver et al. [US 6,592,238 B2].

Regarding claim 13, Sloan et al. discloses a PCB [20] mounted horizontally but does not disclose the PCB being mounted vertically.

Cleaver et al. discloses an illumination device having a PCB [26] being mounted vertically (figure 3).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the PCB of Sloan et al. by mounting it vertically as taught by Cleaver et al. for purpose of providing an advantageous way of assembly the lighting system.

Regarding claim 17, Cleave et al. discloses the extrusion [12] comprising silicon (column 1 line 22, column 5 line 48).

Allowable Subject Matter

8. Claims 44-46 are allowed.

9. The following is a statement of reasons for the indication of allowable subject matter of claim 44: claim 44 recites, in combination, a flexible printed circuit material having redundant conductive traces to electrically interconnect the LEDs, the other of the conductive traces conducting power to the LEDs if one of the traces fails, which are not disclosed or suggested by the prior of record.

Claims 45-46 are dependent on claim 44.

Response to Amendment

10. Applicant's amendments and arguments with respect to present claims have been considered but are moot in view of the new ground(s) of rejection. New references, Chambers et al. [US 7,012,379 B1] and Sloan et al. [US 6,776,504 B2] are applied.

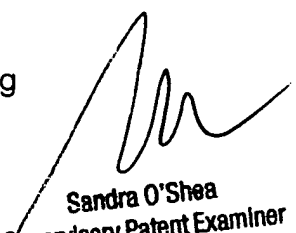
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bao Q. Truong
Examiner
Art Unit 2875



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800